




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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/803,203	03/17/2004	Constantin Bulucea	NS-5737 US	5841
43734	7590	12/14/2005	EXAMINER	
RONALD J. MEETIN, ATTORNEY AT LAW 210 CENTRAL AVENUE MOUNTAIN VIEW, CA 94043-4869			QUACH, TUAN N	
			ART UNIT	PAPER NUMBER
			2826	

DATE MAILED: 12/14/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	Application No. 10/803,203	Applicant(s) BULUCEA ET AL.	
	Examiner Tuan Quach	Art Unit 2826	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

#### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 03 October 2005.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-80 is/are pending in the application.
- 4a) Of the above claim(s) 43-80 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☒ Claim(s) 8-42 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

  
**Tuan Quach**  
**Primary Examiner**

#### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948)                | Paper No(s)/Mail Date. _____  |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date <u>9/23/04</u> .   | 6) <input type="checkbox"/> Other: _____                                    |

### DETAILED ACTION

Claims 1-42 are elected without traverse.

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1, 2, 5, 6, 7 are rejected under 35 U.S.C. 102(b) as being anticipated by Pfiester.

Re claim 1, Pfiester 5,536,962 teaches all the claimed invention including structure comprising a surface channel MOS transistor and a buried channel MOS transistor and associated components of gate 68, source/drain 50/52/53/54, and channel 46 for the n channel surface channel MOS 28 and the normally off n channel channel junction IGFET 16 and associated components of gate 74, source/drain 52/62/63/64, channel 60. Pfiester also the respective n doped gate and p-doped gate, e.g., claim 2, and arsenic as n type dopant for claim 7. See column 2 line 14 to column 5 line 45. Regarding the current conduction in claims 5 and 6, these do not require or recite any additional structure but only mode of operation and does not impart patentability over the disclosed structure which presumably would be capable to so perform given the same structures are taught. A recitation directed to the manner in which a claimed apparatus is intended to be used does not distinguish the claimed apparatus from the prior art – if the prior art has the capability to so perform. See MPEP 2114 and *Ex parte*

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*Masham*, 2 USPQ2d 1647 (1987). The recitation of a new intended use for an old product does not make a claim to that old product patentable. *In re Schreiber*, 44 USPQ2d 1429 (Fed. Cir. 1997)

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

Claims 3 and 4 are rejected under 35 U.S.C. 103(a) as being unpatentable over Pfister.

Although Pfister as applied above does not recite the thicker gate dielectric as in claim 3 and the greater channel length, in claim 4, for the surface channel transistor, such would have been obvious and would have been encompassed in Pfister for the following reasons. Initially, the difference in thickness or channel length is not

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sufficiently defined to impart patentability, there being no definite demarcation between the respective dimensions as to how much thicker or how much greater, respectively, thus does not distinguish over normal variance in devices and since there are only three possible alternatives, namely being identical dimension thickness or channel length, or either thicker or thinner, or either greater or smaller, and the selection of one out of these two or three possibilities would have been obvious, and given that Pfiester is not required the gate dielectric to be of identical thickness and also does not require identical channel lengths. Additionally, such selection of particular dimensions would permit one skilled in the art to optimize the characteristics of the transistors in question and would have been within a matter of routine optimization.

Claims 8-42 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims. The prior art does not appear to teach the limitation in claim 8 taken in the context of base claim 1.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Harrington III 5,682,051, Wu 6,207,999 B1, Lage 6,100,568, Noda 6,359,319 B1, Wang 6,621,125 B1, Mocuta et al. 6,916,698 B2, Henderson 4,315,781 and Takagi et al. 3,886,003 are made of record.

The proposed drawing corrections filed September 13, 2004 are accepted. Replacement sheets incorporating the proposed changes are required below.

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New corrected drawings in compliance with 37 CFR 1.121(d) are required in this application because the replacement sheets for the corrections in the drawings have not been filed; the drawing sheets filed September 13, 2004 in many instances only indicate the proposed changes, e.g., Figs. 12u.2; 12v.2; 12w.2; etc. Applicant is advised to employ the services of a competent patent draftsman outside the Office, as the U.S. Patent and Trademark Office no longer prepares new drawings. The corrected drawings are required in reply to the Office action to avoid abandonment of the application. The requirement for corrected drawings will not be held in abeyance.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner Tuan Quach whose telephone number is 571-272-1717. The examiner can normally be reached on M-F from 8:30 AM to 4:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor Nathan Flynn, can be reached on 571-272-1915. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



**Tuan Quach**  
Primary Examiner